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EXAMINER	
KARIKARI, KWASI	

ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/523,544	DAVIDSON, BRIAN	
	Examiner	Art Unit	
	KWASI KARIKARI	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 April 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *40-53,64,69-72 and 74-81* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *40-53, 64, 69-72 and 74-81* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 04/29/2009 have been fully considered but they are not persuasive.

a. In the remarks, the Applicant argues that the combination of Sasakura and Briffett fails to disclose the claimed limitations;

["whenever the releasable connector is released, the controller effects at least partial disablement of the device in response to the release of the releasable connector"], (see claims 40 and 48).

The examiner, however respectfully disagrees with such an assertion since the examiner must give each presented claimed limitation, its broadest reasonable interpretation in light of the Applicant's specification.

In contrast to Applicant's assertion, Sasakura is understood to mention that the phone 30 is disables when separated for a predetermined distance, see col. 9, lines 7-29). Sasakura also teaches the **connection** between the cellphone 30 and the transmission unit 10 in the owner's breast pocket (see col. 3, lines 51-58). However, Sasakura fails specifically to teach, "a releasable connector, connecting the device to a person, is release from the connector"

Briffett, which is an analogous art, equivalently mention a connection between belt clip proximity unit 46 and the telephone proximity unit 16, see col. 4, lines 22-60; and Fig. 3-6).

Therefore, the combination of Sasakura and Briffett teaches the argued claimed limitation.

b. Claim 77 which includes similar claimed limitations as claims 40 and 48, is also rejected based on similar remarks/response as shown above.

c. Regarding claims 46, 47, 53 and 81 the Applicant argues that the combination Sasakura, Briffett and Rohrbach fails to disclose the claimed features;

["a disabling message to the network instructing the network to disable normal operation of the telephone in the network."]

Rohrbach, which is an analogous art, equivalently teaches that the network 300 capable of communicating with plurality of mobile stations 100; the communication network 300 includes circuitry 310 that is operative to receive unique codes corresponding to SIM cards that are to be disabled if the a card has been reported as stolen (see col. 5, lines 5, lines 13-27).

Claims 41-46, 49-52, 64, 69-72, 74-76 and 78-80 are also being rejected by virtue of their dependency on claims 40, 48 and 77.

Based on the above response/clarifications the Office Action is being maintained and made Final as shown below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 40-45, 48-52, 64 and 77-80 are rejected under U.S.C. 103(a) as being unpatentable over Sasakura et al. (U.S 6,151,493), (hereinafter, Sasakura) in view of Briffett et al. (U.S 6,154,665), (hereinafter, Briffett).

Regarding claims 40, 48 and 77, Sasakura discloses a device/method (= call prohibition device includes signal transmission unit 10 and a canceling unit 20 of a cellphone 30, see col. 3, lines 44-58 and Fig. 1) comprising:

unauthorized separation detection means (= if the cellphone 30 together with he canceling unit 20 separates a predetermined distance from the transmission unit because the phone is stolen, the signal level detector drops below threshold, see col. 3, lines 44-59; and col. 9, lines 8-16) and

control means, having a first mode (= canceling unit 20 is on; and the canceling unit has to be kept on for it to receive signal from transmission unit 10, see col. 5, lines 30-49; and col. 8, lines 32-38, whereby the canceling unit 20 being “on", is been associated with the “first mode”) effect at least partial disablement of the device (= cell phone 30 is disables when separated for a predetermined distance, see col. 9, lines 7-29). Sasakura also teaches the **connection** between the cellphone 30 and the transmission unit 10 in the owner’s breast pocket (see col. 3, lines 51-58).

However, Sasakura fails specifically to teach, “a releasable connector, connecting the device to a person, is release from the connector”

Briffett, however teaches a release of a releasable connector connecting the device to a person (= connection between belt clip proximity unit 46 and the telephone proximity unit 16, see col. 4, lines 22-60; and Fig. 3-6).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Briffett with the system of Sasakura for the benefit of achieving a arrangement that includes a belt clip assembly which enables a physical connection of a telephone to a person’s belt for convenient transportation (see **Briffett**; col. 2, line 66-col. 3, lines 5).

Regarding claims 41, 49 and 78, as recited in claims 40 and 48, **Sasakura** fails to teach that the releasable connector comprises a strap.

However, **Briffett** teaches that the releasable connector comprises a strap (= connection between belt clip proximity unit 46 and the telephone proximity unit 16, see col. 4, lines 22-60; and Fig. 3-6)

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Briffett with the system of Sasakura for the benefit of achieving a arrangement that includes a belt clip assembly which enables a physical connection of a telephone to a person’s belt for convenient transportation (see **Briffett**; col. 2, line 66-col. 3, lines 5).

Regarding claims 42, 50 and 79 as recited in claims 40 and 48, **Sasakura** fails to teach that the releasable connector is released by severance.

However, **Briffett** teaches that the releasable connector is released by severance. (= rapid moment, see col. 6, lines 10-17)

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Briffett with the system of Sasakura for the benefit of achieving a arrangement that includes a belt clip assembly which enables a physical connection of a telephone to a person's belt for convenient transportation (see **Briffett**; col. 2, line 66- col. 3, lines 5).

Regarding claim 43, as recited in claim 40, **Sasakura** fails to teach the interruption of a closed conductive path via the releasable connector.

However, **Briffett** teaches the interruption of a closed conductive path via the releasable connector (= no electric contact, see col. 4, lines 27-39)

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Briffett with the system of Sasakura for the benefit of achieving a arrangement that includes a belt clip assembly which enables a physical connection of a telephone to a person's belt for convenient transportation (see **Briffett**; col. 2, line 66- col. 3, lines 5).

Regarding claim 44, as recited in claim 40, **Sasakura** further teaches that the device comprises a cellular radio transceiver (see items 31a and 33d in Fig. 1).

Regarding claim 45, as recited in claim 44, **Sasakura** further teaches that the control means is arranged to effect at least partial disablement of the device by controlling the cellular radio transceiver to transmit a disabling message instructing the at least partial disablement of the device (=cell phone 30 is disables when separated for a predetermined distance, see col. 9, lines 7-29).

Regarding claim 52, as recited in claim 48, **Sasakura** further teaches radio transmitter (= items 31a and 33d in the cell phone 30, see Fig. 1) wherein the controller is arranged to control the radio transmitter to send a message (= cell phone 30 is disables when separated for a predetermined distance, see col. 9, lines 7-29); but fails to teach a releasable connector.

However, **Briffett** teaches a release of a releasable connector (= connection between belt clip proximity unit 46 and the telephone proximity unit 16, see col. 4, lines 22-60; and Fig. 3-6)

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Briffett with the system of Sasakura for the benefit of achieving a arrangement that includes a belt clip assembly which enables a physical connection of a telephone to a person's belt for convenient transportation (see **Briffett**; col. 2, line 66-col. 3, lines 5).

Regarding claim 64, as recited in claim 48, **Sasakura** fails to teach "releasable connector".

However, **Briffett** teaches a release of a releasable connector (= connection between belt clip proximity unit 46 and the telephone proximity unit 16, see col. 4, lines 22-60; and Fig. 3-6)

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Briffett with the system of Sasakura for the benefit of achieving a arrangement that includes a belt clip assembly which enables a physical connection of a telephone to a person's belt for convenient transportation (see **Briffett**; col. 2, line 66- col. 3, lines 5).

Regarding claim 51, as recited in claim 64, **Sasakura** fails to teach the interruption of a closed conductive path via the releasable connector.

However, **Briffett** teaches a release of a releasable connector (= connection between belt clip proximity unit 46 and the telephone proximity unit 16, see col. 4, lines 22-60; and Fig. 3-6)

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Briffett with the system of Sasakura for the benefit of achieving a arrangement that includes a belt clip assembly which enables a physical connection of a telephone to a person's belt for convenient transportation (see **Briffett**; col. 2, line 66- col. 3, lines 5).

Regarding claim 74, as recited in claim 48, **Sasakura** fails to teach the releasable connector is a neck strap.

However, **Briffett** teaches the releasable connector is a neck strap (see col. 2, line 66- col. 3, lines 5, col. 4, lines 22-60; and Fig. 3-6).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Briffett with the system of Sasakura for the benefit of achieving a arrangement that includes a belt clip assembly which enables a physical connection of a telephone to a person's belt for convenient transportation (see **Briffett**; col. 2, line 66- col. 3, lines 5).

Regarding claim 75, as recited in claims 48, **Sasakura** fails to teach the releasable connector is a wrist strap.

However, **Briffett** teaches that the releasable connector is a wrist strap (see col. 2, line 66- col. 3, lines 5, col. 4, lines 22-60; and Fig. 3-6).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Briffett with the system of Sasakura for the benefit of achieving a arrangement that includes a belt clip assembly which enables a physical connection of a telephone to a person's belt for convenient transportation (see **Briffett**; col. 2, line 66- col. 3, lines 5).

Regarding claim 76, as recited in claim 48, **Sasakura** fails to teach that the releasable connector has an inherent weakness, such that it is arranged to break when the device is grabbed.

However, **Briffett** teaches that the releasable connector has an inherent weakness, such that it is arranged to break when the device is grabbed (= when the telephone is "removed from" the belt clip, see col. 4, lines 23-39).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Briffett with the system of Sasakura for the benefit of achieving a arrangement that includes a belt clip assembly which enables a physical connection of a telephone to a person's belt for convenient transportation (see **Briffett**; col. 2, line 66- col. 3, lines 5).

Regarding claim 80, as recited in claim 77, **Sasakura** further teaches , wherein at least partial disablement of the device is effected by transmitting a radio frequency disabling message from the device, the radio frequency disabling message instructing the at least partial disablement of the device (=cell phone 30 is disables when separated for a predetermined distance, see col. 9, lines 7-29).

3. **Claims 46, 47, 53 and 81 are rejected under U.S.C. 103(a) as being unpatentable over Sasakura in view of Briffett and further in view of Rohrbach (U.S. 5,898,783), (hereinafter, Rohrbach).**

Regarding claims 46 and 53, as recited in claims 40 and 48, **Sasakura** teaches radio transmitter (items 31a and 33d in the cell phone 30, see Fig. 1)

However, the combination of **Sasakura and Briffett** specifically fails to mention a cellular communications network and the control means is arranged to effect at least partial disablement of the device by sending a disabling message "to the network" instructing the network to disable normal operation of the telephone in the network.

Rohrbach further teaches that the data communication circuitry 200 transmits a code to the communication network via the mobile station 100 and in response to receiving a disable command, the disabling circuitry 220 is operative to prevent operation of the SIM card in the network (see col. 4, lines 14-25, col. 5, lines 13-31 and Figs. 2 & 3; i.e., the mobile phone operates to prevent the use of the sim card after obtain a disable command which is known to both the phone and the communication system that grants operational access to the phone).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Rohrbach into the system of Sasakura and Briffett for the benefit of achieving a system that provides a way of remotely disabling SIMs and smartcard in the telecommunication network.

Regarding claim 47, as recited in claim 46, the combination of **Sasakura and Briffett** fails to teach that the mobile telephone comprises a handset and a "replaceable card", which enables the handset to operate as a telephone in the network, and the network is responsive to the disabling message sent by the mobile telephone to disable the card from normal use in the network and/or to disable the handset from normal use in the network.

Rohrbach further teaches that the SIM card 110 or smart card cooperates with a mobile phone 100 to effect communication with the telecommunication network (see col. 3, lines 61-66).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Rohrbach into the system of Sasakura and Briffett for the benefit of achieving a system that provides a way of remotely disabling SIMs and smartcard in the telecommunication network.

Regarding claim 81, as recited in claim 80, **Sasakura** teaches radio transmitter (items 31a and 33d in the cell phone 30, see Fig. 1)

However, the combination of **Sasakura and Briffett** specifically fails to mention wherein the radio frequency disabling message is sent to a network instructing the network to disable normal operation of the device in the network.

Rohrbach further teaches that the data communication circuitry 200 transmits a code to the communication network via the mobile station 100 and in response to receiving a disable command, the disabling circuitry 220 is operative to prevent operation of the SIM card in the network (see col. 4, lines 14-25, col. 5, lines 13-31 and Figs. 2 & 3; i.e., the mobile phone operates to prevent the use of the sim card after obtain a disable command which is known to both the phone and the communication system that grants operational access to the phone).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Rohrbach into the system of Sasakura and Briffett for the

benefit of achieving a system that provides a way of remotely disabling SIMs and smartcard in the telecommunication network.

4. **Claims 69-72 are rejected under U.S.C. 103(a) as being unpatentable over Sasakura in view of Briffett and further in view of Namekawa (U.S. 4,809,316), (hereinafter, Namekawa).**

Regarding claim 69, as recited in claim 40, the combination of **Sasakura and Briffett** fails to discloses the device, wherein the **control means has a second, operable, mode** in which it is does not respond to the release of the releasable connector.

However **Namekawa** teaches a controller that checks the on/off state of a sensor (see col. 3, line 46- col. 5, line 23, and col. 5, line 12-43, whereby the second mode is being associated with the power off state).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Namekawa into the system of Sasakura and Briffett for the benefit of achieving a system that include power-on at a predetermined time, whereby power consumption is reduced in the system (see col. 1, lines 55-62).

Regarding claim 70, as recited in claim 48, the combination of **Sasakura and Briffett** fails to discloses the device, wherein the **control means has a second, operable, mode** in which it is does not respond to the release of the releasable connector.

However **Namekawa** teaches a controller that checks the on/off state of a sensor (see col. 3, line 46- col. 5, line 23, and col. 5, line 12-43, whereby the second mode is being associated with the power off state).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Namekawa into the system of Sasakura and Briffett for the benefit of achieving a system that include power-on at a predetermined time, whereby power consumption is reduced in the system (see col. 1, lines 55-62).

Regarding claim 71, as recited in claim 69, the combination of **Sasakura and Briffett** fails to disclose the device, wherein the first and second modes are user selectable.

However **Namekawa** teaches wherein the first and second modes are user selectable (see col. 4, lines 31-66, col. 3, line 46- col. 5, line 23, and col. 5, line 12-43).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Namekawa into the system of Sasakura and Briffett for the benefit of achieving a system that include power-on at a predetermined time, whereby power consumption is reduced in the system (see col. 1, lines 55-62).

Regarding claim 72, as recited in claim 70, the combination of **Sasakura and Briffett** fails to disclose the device, wherein the first and second modes are user selectable.

However **Namekawa** teaches wherein the first and second modes are user selectable (see col. 4, lines 31-66, col. 3, line 46- col. 5, line 23, and col. 5, line 12-43).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Namekawa into the system of Sasakura and Briffett for the benefit of achieving a system that include power-on at a predetermined time, whereby power consumption is reduced in the system (see col. 1, lines 55-62).

CONCLUSION

5. **Examiner's Note**: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. **SEE MPEP 2141.02 [R-5] VI. PRIOR ART MUST BE CONSIDERED IN ITS ENTIRETY, INCLUDING DISCLOSURES THAT TEACH AWAY FROM THE CLAIMS**: A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984) In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004). >See also MPEP §2123.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of 33the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is 571-272-8566. The examiner can normally be reached on M-T (9am - 7pm).
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8566.
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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